



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
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May 29, 2007

VIA FAX (212)805-7949

The Honorable P. Kevin Castel
United States Courthouse
500 Pearl Street, Room 2260
New York, New York 10007

Re: SEC v. Empire Development Group, et al. 07 cv 3896 (PKC) (S.D.N.Y.)

Dear Judge Castel:

Plaintiff Securities and Exchange Commission (the "Commission") is writing to seek additional relief in connection with the filing of opposition papers in the above-referenced matter. The Order to Show Cause entered by the Court on May 18, 2007 required the defendants to serve opposing papers by May 24, 2007 at 5:00 p.m. None of the defendants filed papers before the deadline, nor did any defendant seek an extension of time to submit a response. On Friday May 25, 2007, Commission attorney Meaghan Cheung asked Mr. O'Brien's associates whether the defendants had served responsive papers or were intending to do so. Ms. Cheung was advised that responsive papers would not be filed. Mr. O'Brien had previously agreed that if he served opposing papers, he would send them to Ms. Cheung via email. Mr. O'Brien did not send papers to Ms. Cheung. Instead, after the close of business on Friday May 25, 2007, Mr. O'Brien faxed opposition papers on behalf of Empire Development Group, LLC (EDG) to the Commission's office. None of the other defendants have served opposition papers.

Therefore, the Commission respectfully requests that the Court strike defendant EDG's opposition because it was untimely. In the alternative, the Commission requests an extension of the May 30 deadline to submit reply papers.

Respectfully submitted,

Doria G. Stetch
Doria G. Stetch

cc: Liam O'Brien, Esq. (via email)
Michael Aymorn
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